



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALLEN WHITE,

Plaintiff,

vs.

RUBEN VIDAURRI, et al.,

Defendants.

3:10-cv-00694-LRH (RAM)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4. For the reasons set forth below, the court recommends this matter be dismissed with prejudice.

The allegations giving rise to Plaintiff Allen White's (Plaintiff) Complaint took place while he was in the custody of Nevada Department of Corrections (NDOC), housed at Northern Nevada Correctional Center (NNCC). (Pl.'s Compl. (Doc. # 4).)¹ Plaintiff was most recently housed at Warm Springs Correctional Center. (See Doc. # 3.) Plaintiff, a *pro se* litigant, brings this action pursuant to 42 U.S.C. § 1983. (*Id.*) On screening, the court dismissed Counts I and II of the Complaint, and the equal protection claims, with prejudice. (Doc. # 3 at 6.) The court also dismissed Defendants Skolnik and Benedetti. (*Id.*) The court allowed Plaintiff's retaliation claim in Count III to proceed against Defendant Vidaurri. (*Id.*)

Defendant Vidaurri filed his Motion for Summary Judgment on June 27, 2011. (Doc.

¹ Refers to the court's docket number.

1 # 12.) Plaintiff's opposition was due on or before July 21, 2011. The court entered a *Klinge*
2 order on June 28, 2011. (Doc. # 16.) The *Klinge* order, addressed to Plaintiff at Warm
3 Springs Correctional Center, was returned as undeliverable. (Doc. # 17.) The returned
4 envelope indicates that Plaintiff has been paroled. (*Id.*) To date, no opposition has been filed
5 to Defendant Vi Motion for Summary Judgment.

6 Plaintiff has failed to comply with LSR 2-2 and notify the court of a change of address.
7 The Rule provides that the failure to "immediately file with the Court written notification of
8 any change of address...may result in dismissal of the action with prejudice." As a result of
9 Plaintiff's failure to inform the court of his change of address, the court should enter an order
10 dismissing this action with prejudice.

11 **RECOMMENDATION**

12 **IT IS HEREBY RECOMMENDED** that the District Judge enter an Order
13 **DISMISSING** this action **WITH PREJUDICE**.

14 The parties should be aware of the following:

15 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2
16 of the Local Rules of Practice, specific written objections to this Report and Recommendation
17 within fourteen (14) days of receipt. These objections should be titled "Objections to
18 Magistrate Judge's Report and Recommendation" and should be accompanied by points and
19 authorities for consideration by the District Court.

20 2. That this Report and Recommendation is not an appealable order and
21 that any notice of appeal pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until
22 entry of the District Court's judgment.

23 DATED: August 19, 2011.

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26 UNITED STATES MAGISTRATE JUDGE
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